

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

DELTA AIR LINES, INC.

Plaintiff,

v.

**FLY TECH, LLC d/b/a TRIPTKT.COM
a/k/a FLYAIRS.COM a/k/a
1800CHEAPAIRTICKETS.COM, et al,**

Defendants.

Civil Action No. 16-2599

ORDER

THIS MATTER having come before the Court on Plaintiff Delta Air Lines, Inc.'s ("Plaintiff's" or "Delta's") motion for default judgment against Defendants Fly Tech, LLC d/b/a TRIPTKT.COM a/k/a FLYAIRS.COM a/k/a 1800CHEAPAIRTICKETS.COM ("Fly Tech"), Goldendust USA Ltd. a/k/a Zucchi Travel a/k/a EASYFLIGHTDEALS.COM ("Goldendust"), and Neeru Singh Adhikari ("Adikari" and, collectively with Fly Tech and Goldendust, "Defendants") pursuant to Federal Rule of Civil Procedure 55(b)(2), ECF No. 97;

and for the reasons set forth in the Court's accompanying Opinion;

IT IS on this 29th day of March, 2018,

ORDERED that the Defendants, individually and collectively, are permanently restrained and enjoined from:

- (a) Using the name "Delta," any of the Delta Marks, and/or any reproduction, counterfeit, copy, or colorable imitation thereof in connection with the advertising, marketing, or provision of any sort of air transportation or travel-related services;
- (b) Purchasing, using, or knowingly profiting from any Internet search engine keywords purchased from any third party that included the name "Delta," any of the Delta Marks, and/or any reproduction, counterfeit, copy, or colorable imitation thereof;

(c) Making any statement or representation in any medium, whether oral or written, to the effect that any Defendant was or is:

- 1) Affiliated with Delta;
- 2) An agent, partner, or contractor of Delta; and/or
- 3) Otherwise acting on behalf of Delta or with the authorization, approval, consent, or ratification of Delta; and

(d) Participating in, aiding, abetting, enabling, encouraging, ratifying, assisting in, profiting from, inducing, conspiring to carry out, directing, contracting for, and/or otherwise contributing to the commission of any act that would be a violation of this Order if performed or carried out by an enjoined person or entity; and it is further

ORDERED that “Delta Marks” means and includes the following registered marks, all of

which are solely owned by Delta:

<u>Reg. No.</u>	<u>Mark</u>	<u>Registration Date</u>
0523611	DELTA AIR LINES	April 4, 1950
0654915	DELTA	November 19, 1957
0802405	DELTAMATIC	January 18, 1966
0963228	DELTA AIR LINES (IN OVAL LOGO)	July 3, 1973
0970418	DELTA AIR LINES	October 9, 1973
1428763	DELTA CONNECTION	February 10, 1987
1703774	DELTA SHUTTLE	July 28, 1992
1733703	DELTA CENTER	November 17, 1992
1740294	DELTA CENTER (WITH WIDGET LOGO)	December 15, 1992
2058985	DELTA & 1960 AIRCRAFT DESIGN	May 6, 1997
2408003	DELTA VACATIONS	November 28, 2000
2662451	DELTA AIRELITE	December 17, 2002
2980826	DELTA CONNECTION	August 2, 2005
3890727	DELTA SKY CLUB	December 14, 2010
3994004	DELTA ASSIST	July 12, 2011
0704103	WIDGET LOGO	September 6, 1960
1143697	WIDGET (OPEN)	December 16, 1980
2556013	WIDGET LOGO	April 2, 2002

and it is further

ORDERED that Plaintiff's request for attorneys' fees and costs is **GRANTED** in an amount to be determined by the Court upon Plaintiff's motion in accordance with Local Rule 54.2; and it is further

ORDERED that Plaintiff's request for statutory damages under the Lanham Act is **DENIED** without prejudice; and it is further

ORDERED that Plaintiff may submit, no later than **April 30, 2018**, a revised motion for default judgment in accordance with the Opinion.

/s Madeline Cox Arleo
MADELINE COX ARLEO
UNITED STATES DISTRICT JUDGE